

CLERK, UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
TOM STAGG UNITED STATES COURT HOUSE
300 FANNIN ST., SUITE 1167
SHREVEPORT, LOUISIANA 71101-3083

OFFICIAL BUSINESS

SHREVEPORT LA 710

15 MAR 2023 PM 4



X-RAYED

CLS

NIXIE 207 DE 1 0003/22/23
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

22204-349501 UTF BC: 71101308300 #085-0322-15
1101>3083

RECEIVED

MAR 30 2023

TOM R. MOORE CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

22-CV-1213
#223

NOTICE FROM U.S. DISTRICT COURT - WESTERN DISTRICT OF LOUISIANA

Mike Webb
955 S Columbus St #426
Arlington, VA 22204

Case: 3:22-cv-01213 #223
5 pages printed: Wed, 15 Mar 2023 09:01:33

**YOU COULD RECEIVE THIS NOTICE AS SOON AS
IT IS ENTERED INTO THE COURT'S RECORD**

The Clerk now provides E-mail notice of entry of all documents filed in our court. This includes pleadings filed by your opposing counsel as well as ruling, orders and judgments of the court.

This E-mail Notice of Filing allows you to view the actual document immediately after it is entered into the court's record. You can then print or save a copy of the document on your computer. The full Notice of Electronic Filing can be accessed on the electronic docket sheet.

To sign up for this valuable service or to find out more information, please visit our website at www.lawd.uscourts.gov. Please note that you must consent to receive E-mail notification via our online sign-up form. A written request to the Clerk is not an acceptable form of registration.

You can also provide additional E-mail addresses when you sign up. This will be particularly useful if you want a staff member to assist you with monitoring the filings in your cases.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF MISSOURI ET AL

CASE NO. 3:22-CV-01213

VERSUS

JUDGE TERRY A. DOUGHTY

JOSEPH R BIDEN JR ET AL

MAG. JUDGE KAYLA D. MCCLUSKY

MEMORANDUM ORDER

Pending before the Court is a Motion to Strike Plaintiffs' Proposed Findings of Fact or in the Alternative, For Other Appropriate Relief ("Motion to Strike") [Doc. No. 219] filed by Federal Defendants.¹ An Opposition [Doc. No. 221] was filed by Plaintiffs,² and a Reply [Doc. No. 222] was filed by Federal Defendants.

In its Motion to Strike, Federal Defendants move that the Court to strike Plaintiffs' 364-page Proposed Findings of Fact [Doc. No. 212-3] because it imposes an undue burden upon Federal Defendants, because leave of court is required, and because FED. R. CIV. P. 65 does not mention Proposed Findings of Fact are allowed in connection with emergency motions. Alternatively, Federal Defendants request more time to respond.

¹ Federal Defendants consist of: Joseph R Biden, Jr, Jennifer Rene Psaki, Vivek H Murthy, Xavier Becerra, Dept of Health & Human Services, Anthony Fauci, National Institute of Allergy & Infectious Diseases, Centers for Disease Control & Prevention, Alejandro Mayorkas, Dept of Homeland Security, Jen Easterly, Cybersecurity & Infrastructure Security Agency, Nina Jankowicz, Karine Jean-Pierre, Carol Crawford, Jennifer Shopkorn, U.S. Census Bureau, U S Dept of Commerce, Robert Silvers, Samantha Vinograd, Gina McCarthy, Andrew Slavitt, Rob Flaherty, Courtney Rowe, Clarke Humphrey, Benjamin Wakana, Subhan Cheema, Dori Salcido, Timothy W Manning, Dana Remus, Aisha Shah, Laura Rosenberger, Mina Hsiang, U S Dept of Justice, Federal Bureau of Investigation, Laura Dehmlow, Elvis M Chan, Jay Dempsey, Kate Galatas, Eric Waldo, Yolanda Byrd, Christy Choi, Tericka Lambert, Joshua Peck, Janell Muhammed, Matthew Masterson, Lauren Protentis, Geoffrey Hale, Allison Snell, Kim Wyman, Brian Scully, Zachary Henry Schwartz, Lorena Molina-Irizarry, Kristin Galemore, U S Food & Drug Administration, Erica Jefferson, Michael Murray, Brad Kimberly, U S Dept of State, Leah Bray, Samaruddin K Stewart, Daniel Kimmage, Alexis Frisbie, U S Dept of Treasury, Wally Adeyemo, U S Election Assistance Commission, Mark A Robbins, Kristen Muthig.

² Plaintiffs consist of the State of Missouri, the State of Louisiana, Dr. Aaron Kheriaty, Dr. Martin Kulldorff, Jim Hoft, Dr. Jayanta Bhattacharya, and Jill Hines.

Plaintiffs oppose Federal Defendants' motion because Proposed Findings of Fact are common practice, are best practice, are not prohibited by FED. R. CIV. P. 65, and are not an undue burden to Federal Defendants. Plaintiffs do not oppose a reasonable extension of time to Federal Defendants but do oppose the requested sixty-five (65) day extension.

After considering the filings in this matter, this Court finds no prohibition in filing Proposed Findings of Fact in this proceeding. To the extent leave of court is required, this Court grants Plaintiffs' request for leave of court to file its Proposed Findings of Fact. Due to the substantial amount of discovery, the number of Defendants, and number of allegations, this Court anticipated lengthy briefs would be provided by both parties. Therefore, Federal Defendants' Motion to Strike is **DENIED**.

In addressing Federal Defendants' alternative request for an extension of time to respond, this Court finds there is good cause for an extension of time but not to the extent requested. Therefore, Federal Defendants' request for an extension of time to respond is **GRANTED IN PART** by twenty (20) days, for a total response time of fifty (50) days. Because Plaintiffs' brief was filed March 6, 2023, Federal Defendants' response will be due on or before April 25, 2023. Plaintiffs' reply will be due fifteen (15) days after the filing of Federal Defendants' response. Accordingly,

IT IS ORDERED that Federal Defendants' Motion to Strike [Doc. No. 219] is **GRANTED IN PART** and **DENIED IN PART**. To the extent Federal Defendants' move to strike Plaintiffs' Proposed Findings of Fact [Doc. No. 212-3], the Motion is **DENIED**, and Plaintiffs are **GRANTED** leave of court to file the Proposed Findings of Fact.

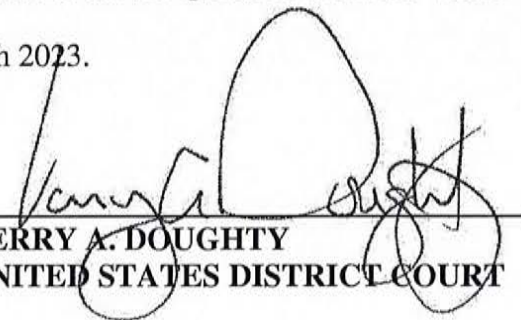
IT IS FURTHER ORDERED that to the extent Federal Defendants' move for an extension of time to respond to the motion for preliminary injunction, the Motion is **GRANTED**

IN PART, and Federal Defendants are granted an extension of twenty (20) days to April 25, 2023, to respond to Plaintiffs' filings.

IT IS FURTHER ORDERED that Plaintiffs shall file a reply to Federal Defendants' response fifteen (15) days after the response filed.

IT IS FURTHER ORDERED that oral arguments in the above matter are set for Friday, May 12, 2023, beginning at 9:00 a.m. in Monroe, Louisiana, second floor courtroom. Each side will be given one hour for arguments, with additional time to answer questions from the Court.

MONROE, LOUISIANA this 15th day of March 2023.



TERRY A. DOUGHTY
UNITED STATES DISTRICT COURT

U.S. District Court

Western District of Louisiana

Notice of Electronic Filing

The following transaction was entered on 3/15/2023 at 8:47 AM CDT and filed on 3/15/2023

Case Name: Missouri et al v. Biden et al

Case Number: 3:22-cv-01213-TAD-KDM

Filer:

Document Number: 223

Docket Text:

MEMORANDUM ORDER denying [219] Motion to Strike *Plaintiffs' Proposed Findings of Fact* attached to [214] Memorandum in Support of Motion for Preliminary Injunction; granting in part defendants request for extension of time to respond to [214] Memorandum in Support of [10] Motion for Preliminary Injunction. Defendants shall respond by 4/25/23 and Plaintiffs may reply fifteen days thereafter. It Is Further Ordered that oral arguments will be held on 5/12/23 at 9:00 a.m. in Monroe, Second Floor Courtroom. Signed by Judge Terry A Doughty on 3/15/2023.
(crt,Crawford, A)